

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff/Respondent,)
)
vs.) Case No. 09-CR-0043-1-SPF
)
LINDSEY KENT SPRINGER,)
)
Defendant/Movant.)

ORDER

This order addresses three motions filed by defendant/movant Lindsey Kent Springer, all related to Mr. Springer’s pending motion for relief under 28 U.S.C. §2255. Mr. Springer appears *pro se* and his pleadings are liberally construed.

1. Motion for Leave to File a Reply Brief to Doc. Nos. 524, 525.

(Doc. no. 527)

Mr. Springer “moves this Court for Leave to file a reply to what Mr. O’Reilly filed, Doc. 524 and 525.” Doc. no. 527, p. 1. Doc. no. 524 is Mr. Springer’s own filing (the motion for leave to conduct limited discovery on the United States Attorney, addressed later in this order).¹ The other document with respect to which Mr. Springer seeks leave to file a reply, doc. no. 525, is the government’s response to Mr. Springer’s motion to strike.

The court has reviewed the matters which Mr. Springer proposes to address in reply briefs. No purpose would be served by the proposed briefing. Reply briefs are

¹Rather than seeking leave to reply to doc. no. 524, Mr. Springer may have intended to seek leave to file a reply to the government’s filing at doc. no. 526, which is the government’s response to Mr. Springer’s motion to conduct discovery. If so, the result stated in this order would be the same.

not encouraged, and permitting reply briefs in these circumstances would be a waste of the parties' and the court's resources. Mr. Springer's motion for leave to file reply briefs is **DENIED**.

2. Motion to Strike.

(Doc. no. 522)

Mr. Springer asks the court to strike the United States' filing at doc. no. 518, on two grounds.

First, Mr. Springer argues that the government's pleading is not presented by an authorized representative of the government. The challenged pleading is the "United States' Preliminary Response Regarding Lindsey Springer's Motion for Relief under 28 U.S.C. § 2255 (Doc. nos. 472-475) Concisely Listing Those Grounds for Relief that Should be Stricken or Dismissed." The pleading is submitted to the court on behalf of Danny Williams, United States Attorney, and is electronically signed by Charles A. O'Reilly, Special Assistant United States Attorney. The name of Jeffrey Gallant, Assistant United States Attorney, also appears on the signature block under the signature of Mr. O'Reilly. The basis of Mr. O'Reilly's authorization to sign the pleading on behalf of the United States is set out in the government's response to the motion to strike, doc. no. 525, pp. 1-2. There is no reason to further address Mr. Springer's frivolous argument that doc. no. 518 is not presented by an authorized representative of the government.

Second, Mr. Springer argues that doc. no. 518 should be stricken because it does not comply with the undersigned's order of March 15, 2013. That order, doc. no. 522, establishes a two-stage briefing schedule in this § 2255 matter. The pleading at doc. no. 518 complies with the order of March 15, 2013.

The motion to strike is **DENIED**.

3. Motion for Leave to Conduct Limited Discovery

On United States Attorney.

(Doc. no. 524)

Mr. Springer seeks leave to conduct discovery from the United States Attorney in support of Mr. Springer's contention that the government could not prosecute Mr. Springer because there was no United States Attorney for the Northen District of Oklahoma during the time in question, and his similar contention that Assistant U.S. Attorneys Kenneth P. Snoke (now retired) and Jeffrey A. Gallant, as well as Special Assistant U.S. Attorney Charles A. O'Reilly, were not authorized to represent the United States in the underlying criminal matter. No discovery is warranted at this time with respect to these contentions. The motion is **DENIED**.

Dated this 6th day of January, 2014.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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